

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE FUNDING OF HUNTER
5 ACCESS PROGRAMS ADMINISTERED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS;
6 ELIMINATING THE CLASS B-10 NONRESIDENT OUTFITTER-SPONSORED BIG GAME COMBINATION
7 LICENSE AND THE CLASS B-11 NONRESIDENT OUTFITTER-SPONSORED DEER COMBINATION LICENSE;
8 INCREASING THE FEE FOR THE CLASS B-10 NONRESIDENT BIG GAME COMBINATION LICENSE AND
9 THE CLASS B-11 NONRESIDENT DEER COMBINATION LICENSE TO FUND HUNTER ACCESS PROGRAMS;
10 AUTHORIZING THE SALE OF THE CLASS B-10 NONRESIDENT BIG GAME COMBINATION LICENSE OR
11 THE CLASS B-11 NONRESIDENT DEER COMBINATION LICENSE TO CERTAIN NONRESIDENT CHILDREN
12 AND GRANDCHILDREN AT A DISCOUNTED PRICE AND DEDICATING A PORTION OF THAT REVENUE TO
13 HUNTER ACCESS PROGRAMS; ESTABLISHING THE HUNTER ACCESS ACCOUNT; GRANTING
14 RULEMAKING AUTHORITY; AMENDING SECTIONS 87-2-202, 87-2-505, 87-2-510, 87-2-511, 87-2-512, AND
15 87-2-514, MCA; REPEALING SECTION 87-1-268, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18

19 **Section 1.** Section 87-2-202, MCA, is amended to read:

20 **"87-2-202. (Temporary) Application -- fee -- expiration.** (1) Except as provided in 87-2-803(12) [and
21 87-2-805(5)], a wildlife conservation license must be sold upon written application. The application must contain
22 the applicant's name, age, [last four digits of the applicant's social security number,] occupation, street address
23 of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and
24 status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall
25 present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification
26 card, or other identification specified by the department to substantiate the required information when applying
27 for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the
28 applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife
29 conservation license pursuant to 87-2-803(12) [or 87-2-805(5)]. It is unlawful and a misdemeanor for a license
30 agent to sell [or give] a wildlife conservation license to an applicant who fails to produce the required identification

1 at the time of application for licensure.

2 (2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be
3 recorded according to rules that the department may prescribe.

4 (3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a
5 search and rescue surcharge.

6 (b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is
7 a search and rescue surcharge.

8 (c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the
9 wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access
10 enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage
11 enhanced hunting access through the hunter management and hunting access enhancement programs
12 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
13 the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only
14 once during any license year.

15 (d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses
16 the wildlife conservation license as a prerequisite to purchase a hunting license, ~~except a variably priced~~
17 ~~outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268~~, an additional hunting access
18 enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
19 enhanced hunting access through the hunter management and hunting access enhancement programs
20 established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
21 the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
22 only once during any license year.

23 (4) Licenses issued are void after the last day of February next succeeding their issuance.

24 [(5) The department shall keep the applicant's social security number confidential, except that the
25 number may be provided to the department of public health and human services for use in administering Title
26 IV-D of the Social Security Act.]

27 (6) The department shall delete the applicant's social security number in any electronic database [5 years
28 after the date that application is made for the most recent license]. (Terminates April 24, 2010, pursuant to sec.
29 5, Ch. 237, L. 2007, unless contingency occurs. Bracketed language in subsection (1) concerning social security
30 number, subsection (5), and bracketed language in subsection (6) terminates or is amended on occurrence of

contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch. 596, L. 2003. The bracketed language in subsection (1) citing 87-2-805(5) and including "or give" terminates February 28, 2009--sec. 7, Ch. 452, L. 2007.)

87-2-202. (Effective April 25, 2010, pursuant to Ch. 237, L. 2007, unless contingency occurs)

Application -- fee -- expiration. (1) Except as provided in 87-2-803(12), a wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, a tribal identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license or to receive a free wildlife conservation license pursuant to 87-2-803(12). It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of \$8, of which 25 cents is a search and rescue surcharge.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of \$10, of which 25 cents is a search and rescue surcharge.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses

the wildlife conservation license as a prerequisite to purchase a hunting license, ~~except a variably priced~~
~~outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268~~, an additional hunting access
enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage
enhanced hunting access through the hunter management and hunting access enhancement programs
established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when
the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable
only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the
number may be provided to the department of public health and human services for use in administering Title
IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years
after the date that application is made for the most recent license]. (Bracketed language terminates or is amended
on occurrence of contingency--sec. 3, Ch. 321, L. 2001. The \$2 wildlife conservation license fee increases in
subsections (3)(a) and (3)(b) enacted by Ch. 596, L. 2003, are void on occurrence of contingency--sec. 8, Ch.
596, L. 2003.)"

Section 2. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10--nonresident big game combination license. (1) (a) Except as otherwise
provided in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or
older or who will turn 12 years old before or during the season for which the license is issued may, upon payment
of the fee of ~~\$628~~ \$897 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d) ~~or upon payment~~
~~of the fee established as provided in 87-1-268 if the license is one of the licenses reserved pursuant to 87-2-511~~
~~for applicants indicating their intent to use the services of a licensed outfitter~~ and subject to the limitations
prescribed by law and department regulation, apply to the fish, wildlife, and parks office, Helena, Montana, to
purchase a B-10 nonresident big game combination license that entitles a holder who is 12 years of age or older
to all the privileges of Class B, Class B-1, and Class B-7 licenses and an elk tag. This license includes the
nonresident conservation license as prescribed in 87-2-202.

(b) Not more than ~~44,500~~ 17,000 ~~unreserved~~ Class B-10 licenses may be sold in any 1 license year.

(c) Of the fee paid for the purchase of a Class B-10 nonresident big game combination license pursuant

1 to subsection (1)(a), 28% must be deposited in the account established in [section 7].

2 (d) The cost of the Class B-10 nonresident big game combination license must be adjusted annually
3 based on any change to the consumer price index from the previous year.

4 (2) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-10 big
5 game combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk
6 permits established by the commission."

7
8 **Section 3.** Section 87-2-510, MCA, is amended to read:

9 **"87-2-510. Class B-11--nonresident deer combination license.** (1) (a) Except as otherwise provided
10 in this chapter, a person who is not a resident, as defined in 87-2-102, but who is 12 years of age or older or who
11 will turn 12 years old before or during the season for which the license is issued may, upon payment of a fee of
12 ~~\$328~~ \$527 plus the nonresident hunting access enhancement fee in 87-2-202(3)(d), ~~upon payment of the fee~~
13 ~~established as provided in 87-1-268 if the license is one of those reserved pursuant to 87-2-511 for applicants~~
14 ~~indicating their intent to use the services of a licensed outfitter or upon payment of the fee of \$328 plus the~~
15 ~~nonresident hunting access enhancement fee in 87-2-202(3)(d), if the license is one of those reserved pursuant~~
16 ~~to 87-2-511 for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor~~
17 and subject to the limitations prescribed by law and department regulation, apply to the fish, wildlife, and parks
18 office, Helena, Montana, to purchase a Class B-11 nonresident deer combination license that entitles a holder
19 who is 12 years of age or older to all the privileges of the Class B, Class B-1, and Class B-7 licenses. This license
20 includes the nonresident wildlife conservation license as prescribed in 87-2-202.

21 (b) Of the fee paid for the purchase of a Class B-11 nonresident deer combination license pursuant to
22 subsection (1)(a), 28% must be deposited in the account established in [section 7].

23 (c) The cost of the Class B-11 nonresident deer combination license must be adjusted annually based
24 on any change to the consumer price index from the previous year.

25 (2) Not more than ~~2,300~~ 4,600 unreserved Class B-11 licenses may be sold in any 1 license year.

26 (3) A person who is not a resident, as defined in 87-2-102, who is unsuccessful in the Class B-11 deer
27 combination license drawing may pay a fee of \$25 to participate in a preference system for deer and elk permits
28 established by the commission."

29
30 **Section 4.** Section 87-2-511, MCA, is amended to read:

"87-2-511. Sale and use of Class B-10, Class B-11, and Class B-13 licenses.

(1) The department shall offer the Class B-10 and Class B-11 licenses for sale on March 15, with ~~a number of authorized Class B-10 and Class B-11 licenses, as determined under 87-1-268, reserved for applicants using the services of a licensed outfitter~~ and 2,000 of the authorized Class B-11 licenses reserved for applicants indicating their intent to hunt with a resident sponsor on land owned by that sponsor, as provided in subsections (2) and (3).

(2) Each application for a resident-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant intends to hunt with a resident sponsor and must indicate the name of the resident sponsor with whom the applicant intends to hunt. In addition, the application must be accompanied by a certificate that is signed by a resident sponsor and that affirms that the resident sponsor will:

(a) direct the applicant's hunting and advise the applicant of game and trespass laws of the state;

(b) submit to the department, in a manner prescribed by the department, complete records of who hunted with the resident sponsor, where they hunted, and what game was taken; and

(c) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and this title.

(3) The certificate signed by the resident sponsor pursuant to subsection (2) must also affirm that the sponsor is a landowner and that the applicant under the certificate will hunt only on land owned by the sponsor. If there is a sufficient number of licenses set forth in subsection (1), the department shall issue a license to one applicant sponsored by each resident landowner who owns 640 or more contiguous acres. If enough licenses remain for a second applicant for each resident landowner sponsor, the department shall issue a license to the second applicant sponsored by each resident landowner. The department shall conduct a drawing for any remaining resident-sponsored licenses. If there is not a sufficient number of licenses set forth in subsection (1) to allow each resident landowner who owns 640 contiguous acres to sponsor one applicant, the department shall conduct a drawing for the resident-sponsored licenses. However, a resident sponsor of a Class B-11 license may submit no more than 15 certificates of sponsorship in any license year.

~~(4) Each application for an outfitter-sponsored license under subsection (1) must contain a written affirmation by the applicant that the applicant will hunt with a licensed outfitter for all big game hunted by the applicant under the license and must indicate the name of the licensed outfitter with whom the applicant will hunt. In addition, the application must be accompanied by a certificate that is signed by a licensed outfitter and that affirms that the outfitter will:~~

1 ~~_____ (a) accompany the applicant;~~
2 ~~_____ (b) provide guiding services for the species hunted by the applicant;~~
3 ~~_____ (c) direct the applicant's hunting for all big game hunted by the applicant under the license and advise~~
4 ~~the applicant of game and trespass laws of the state;~~
5 ~~_____ (d) submit to the department, in a manner prescribed by the department, complete records of who hunted~~
6 ~~with the outfitter, where they hunted, and what game was taken; and~~
7 ~~_____ (e) accept no monetary consideration for enabling the nonresident applicant to obtain a license or for~~
8 ~~providing any services or assistance to the nonresident applicant, except as provided in Title 37, chapter 47, and~~
9 ~~this title.~~

10 ~~_____ (5) An outfitter-sponsored license under subsection (1) is valid only when used in compliance with the~~
11 ~~affirmations of the applicant and outfitter required under subsection (4). If the sponsoring outfitter is unavailable~~
12 ~~or if the applicant wishes to use the services of separate outfitters for hunting different species of game, an~~
13 ~~outfitter-sponsored license may be used with a substitute licensed outfitter, in compliance with the affirmations~~
14 ~~under subsection (4), upon advance written notification to the board by the sponsoring licensed outfitter or the~~
15 ~~substitute outfitter.~~

16 ~~(6)(4)~~ A nonresident who hunts under the authority of a resident landowner-sponsored license shall
17 conduct all deer hunting on the deeded lands of the sponsoring landowner.

18 ~~(7) Any permits or tags secured as a result of obtaining a Class B-10 or Class B-11 license through an~~
19 ~~outfitter sponsor are valid only when hunting is conducted with a licensed outfitter.~~

20 ~~_____ (8) The department shall make the reserved outfitter-sponsored Class B-10 and Class B-11 licenses that~~
21 ~~remain unsold available as provided in 87-1-268.~~

22 ~~(9)(5)~~ All Class B-10 and Class B-11 licenses that are not reserved under subsection (1) must be issued
23 by a drawing among all applicants for the respective unreserved licenses.

24 ~~(10)(6)~~ The department shall offer the Class B-13 nonresident youth big game combination license for
25 sale on March 1. An applicant shall provide the name and automated licensing system number of the adult
26 immediate family member who will accompany the youth. The adult sponsor must possess either a valid Class
27 B-10 or Class B-11 license or a valid resident deer or elk tag at the time of application."
28

29 **Section 5.** Section 87-2-512, MCA, is amended to read:

30 **"87-2-512. Separation of Class B-7 license from Class B-10 license for deer management**

purposes -- disposition of license revenue. (1) The commission may by rule separate the Class B-7 license from the Class B-10 license and sell the separated Class B-7 license, giving a preference to any Class B-10 license holder to purchase one of the separated Class B-7 licenses. In the case of separated Class B-7 licenses that are not purchased by Class B-10 license holders, the commission, for purposes of sound deer management:

(a) may authorize the sale of not more than 5,000 Class B-7 licenses that have been separated from the Class B-10 licenses, as limited by 87-2-504;

(b) may authorize all or a portion of the separated Class B-7 licenses to be sold as Class B-11 combination licenses;

(c) shall set the fees for the separated licenses as follows:

(i) the fee for a Class B-10 license without the deer tag may not be more than the fee set in 87-2-505 for licenses in the general category ~~and may not be more than the fee set by the commission for licenses in the outfitter-sponsored category as specified in 87-1-268~~; and

(ii) the fee for the separated Class B-11 licenses may not be more than the fees specified in 87-2-510 for licenses in the general and landowner-sponsored categories ~~and may not be more than the fee set by the commission for licenses in the outfitter-sponsored category as specified in 87-1-268~~;

(d) may assign the separated Class B-7 or Class B-11 licenses for use in specific administrative regions, portions of administrative regions, hunting districts, or portions of hunting districts;

(e) may allocate a portion of the separated Class B-7 or Class B-11 licenses among the general and landowner-sponsored categories established in 87-2-510 and 87-2-511 but not count those licenses as part of the statutory quotas, with the Class B-7 licenses then subject to the requirements and procedures of 87-2-511; and

~~(f) may allocate a portion of the separated Class B-7 or Class B-11 licenses to the outfitter-sponsored category subject to the requirements and procedures of 87-2-511, except that licenses in the outfitter-sponsored category may not comprise more than one-third of the licenses issued pursuant to this section and the number issued, when added to the number of Class B-11 licenses issued under 87-1-268, may not exceed 2,300 in any license year; and~~

~~(g)~~(f) may condition the separated Class B-7 and Class B-11 licenses as appropriate and necessary to manage the harvest of deer, including restricting the use of a license to either mule deer or whitetail deer.

(2) The revenue from any Class B-11 licenses that have been separated from Class B-10 licenses must be deposited in the state special revenue account to the credit of the department and not allocated pursuant to

other statutory requirements generally applicable to Class B-11 licenses. The revenue from Class B-10 licenses sold without a deer tag must be allocated in the same manner as revenue from Class B-10 licenses sold with a deer tag."

Section 6. Section 87-2-514, MCA, is amended to read:

"87-2-514. Nonresident child or grandchild of resident allowed to purchase nonresident licenses at reduced cost. (1) Except as otherwise provided in this chapter, a person who is not a resident, ~~as defined in 87-2-102;~~ but who is the natural or adopted child or grandchild of a resident, ~~as defined in 87-2-102;~~ and who meets the qualifications of subsection (3) (2) may purchase a ~~Class B nonresident fishing license, a Class B-4 nonresident upland game bird license, and a Class B-7 nonresident deer A tag~~ Class B-10 nonresident big game combination license upon payment of a fee that is half of the cost established in 87-2-505 or a Class B-11 nonresident deer combination license upon payment of a fee that is half of the cost established in 87-2-510. Residency is determined pursuant to 87-2-102. ~~at the reduced cost specified in subsection (2) and may purchase a Class B-15 nonresident child's elk license as provided in 87-2-515. This section does not allow a nonresident child of a resident to purchase nonresident combination licenses at a reduced price.~~

~~(2) The fee for a nonresident license purchased pursuant to subsection (1) is twice the amount charged for an equivalent resident license. The nonresident child shall also purchase a nonresident wildlife conservation license as prescribed in 87-2-202 and pay the nonresident hunting access enhancement fee in 87-2-202(3)(d) if the nonresident child purchases a hunting license.~~

~~(3)~~ (2) To qualify for a license pursuant to subsection (1), a nonresident child or grandchild of a resident shall apply at any department regional office or at the department's state office in Helena and present proof of the following:

~~_____ (a) a birth certificate verifying the applicant's birth in Montana;~~

~~_____ (b) a high school diploma from a Montana public, private, or home school or certified verification that the applicant has passed the general education development test in Montana; and~~

~~_____ (c) proof that the applicant has a natural or adoptive parent or grandparent who is a current Montana resident, as defined in 87-2-102.~~

~~(4)~~ (3) A qualified nonresident child or grandchild of a resident may purchase licenses pursuant to subsection (1) for up to 6 10 license years after receiving a high school diploma from a public, private, or home school, ~~or passing the general education development test, as provided in subsection (3)(b) or receiving the child~~

1 or grandchild's first diploma from a postsecondary educational institution.

2 ~~(5)(4)~~ A nonresident child or grandchild of a resident who has been issued a hunting license pursuant
3 to this section ~~is not eligible to~~ may apply for ~~or be issued~~ any nonresident special permit. The price for any
4 special permit applied for pursuant to this subsection may not be discounted.

5 ~~(6)(5)~~ A nonresident child or grandchild of a resident who has been issued a hunting license pursuant
6 to this section must be accompanied by a licensed resident family member while hunting in the field.

7 (6) Of the fee collected pursuant to subsection (1), 50% must be deposited in the account established
8 in [section 7].

9 (7) The grant of a license under this section does not affect the limit established under 87-2-505."

10
11 NEW SECTION. Section 7. Hunter access account. (1) There is a hunter access account in the state
12 special revenue fund. Funds deposited in this account may be used only for the purpose of funding any hunter
13 access program established by law or the department through administrative rule.

14 (2) Funds deposited in this account may include:

15 (a) a portion of the revenue generated from the sale of:

16 (i) Class B-10 and Class B-11 nonresident big game hunting licenses pursuant to 87-2-505 and
17 87-2-510; and

18 (ii) licenses issued to nonresident children and grandchildren of a resident pursuant to 87-2-514; and

19 (b) hunter access enhancement fees assessed pursuant to 87-2-202(3)(c) and (3)(d).

20 (3) Any interest earned must be retained in the account.

21
22 NEW SECTION. Section 8. Codification instruction. [Section 7] is intended to be codified as an
23 integral part of Title 87, chapter 1, part 2, and the provisions of Title 87, chapter 1, part 2, apply to [section 7].

24
25 NEW SECTION. Section 9. Repealer. Section 87-1-268, MCA, is repealed.

26
27 NEW SECTION. Section 10. Effective date. [This act] is effective March 1, 2010.

28 - END -